

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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BARRY HARRIS,

Case No. 3:20-cv-00695-MMD-WGC

**Petitioner,**

## ORDER

V.

CALVIN JOHNSON, *et al.*,

## Respondents.

12        In this habeas corpus action, in which the Petitioner, Barry Harris, is represented  
13 by appointed counsel, on January 14, 2021, the Court denied Petitioner’s application to  
14 proceed *in forma pauperis* on the ground that it was “incomplete, in that it does not include  
15 the required certificate of a prison official showing the amount of funds in Harris’ trust  
16 accounts.” (ECF No. 10 at 1.) The Court granted Petitioner’s 60 days—until March 15,  
17 2021—to pay the \$5 filing fee for this action, or to file a new, complete application to  
18 proceed *in forma pauperis*. (*Id.* at 2.)

19 On February 11, 2021, Petitioner filed a motion for reconsideration (ECF No. 11),  
20 requesting that the Court reconsider the denial of his *in forma pauperis* application.  
21 Petitioner points out that he filed a financial certificate on December 14, 2020 (ECF No.  
22 1-2), but at that time had not filed an actual *in forma pauperis* application. (*Id.* at 2.)

23 Local Rule LSR 1-2 states:

When submitting an application to proceed *in forma pauperis*, an incarcerated or institutionalized person must simultaneously submit a certificate from the institution certifying the amount of funds *currently held in the applicant's trust account at the institution and the net deposits in the applicant's account for the six months before the date of submission of the application*. If the applicant has been at the institution for fewer than six months, the certificate must show the account's activity for this shortened period.

1 Local Rule LSR 1-2 (emphasis added). The financial certificate submitted by Petitioner  
2 on December 14, 2020, was insufficient in that it was not filed simultaneously with his *in*  
3 *forma pauperis* application, was not current when he filed his *in forma pauperis*  
4 application (it was signed on October 26, 2020), and did not show the deposits in his  
5 account for the six months before the *in forma pauperis* application was filed. The financial  
6 certificate submitted by Petitioner was not on the form provided by this Court.

7 Therefore, Petitioner has not shown grounds for reconsideration of the denial of  
8 his *in forma pauperis* application. See Federal Rule of Civil Procedure 60(b). The Court  
9 will deny the motion for reconsideration. The Court will extend the time for Petitioner to  
10 pay the \$5 filing fee for this action, or to file a new, complete application to proceed *in*  
11 *forma pauperis*.

12 It is therefore ordered that Petitioner's motion to reconsider denial of application to  
13 proceed *in forma pauperis* (ECF No. 11) is denied.

14 Petitioner will have until and including April 16, 2021, to pay the \$5 filing fee for  
15 this action, or to file a new, complete application to proceed *in forma pauperis*. In all other  
16 respects, the schedule for further proceedings set forth in the order entered January 14,  
17 2021 (ECF No. 10) will remain in effect.

18 DATED THIS 26<sup>th</sup> Day of February 2021.

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MIRANDA M. DU  
CHIEF UNITED STATES DISTRICT JUDGE  
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